

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

October 16, 2001

DIVISION ONE

B148446 Metropolitan Water District (Certified for Publication)
 v.
 S.C.L.A.
 Dewayne Cargill et al.

We deny the petitions. Plaintiff workers and CALPERS are awarded their costs.

Ortega, J.

We concur: Spencer, P.J.
 Mallano, J.

B136391 Graves et al. (Not for Publication)
 v.
 Brum et al.

Judgment is reversed insofar as it grants a prescriptive easement to the Brums for any area except the encroaching portion of the pool deck and its retaining wall. The judgment is affirmed with respect to the Graveses' claims for monetary damages. The matter is remanded to the trial court for further proceedings.

The parties are to bear their own costs on appeal.

Mallano, J.

I concur: Ortega, Acting P.J.
I dissent: Vogel (Miriam A.), J. (Opinion)

DIVISION THREE

B145970 Los Angeles County (Not for Publication)
B148420 Department of Children and Family Services
v.
Adriana R. D.

The judgment is affirmed.

Kitching, J.

We concur: Klein, P.J.
Aldrich, J.

B144933 Kenneth Balser
v.
Wells Fargo Bank, N.A.

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION FOUR

B142068 People (Not for Publication)
v.
Ecobedo

The judgment is affirmed.

Hastings, J.

We concur: Epstein, Acting P.J.
Curry, J.

DIVISION FIVE

B147481 Consumer Cause, Inc. (Certified for Publication)
v.
Weider Nutrition International, Inc. et al.

Filed order modifying opinion. (No change in the judgment.)

B144622 People (Not for Publication)
v.
Anthony Waldrup

The judgment is affirmed.

Willhite, J. (Assigned)

We concur: Grignon, Acting P.J.
Armstrong, J.

B147885 People (Not for Publication)
v.
Daniel Manuel Belmudes

The concurrent Penal Code section 186.22, subdivision (b)(1) term imposed as to count 2 is reversed. The cause is remanded solely to permit the trial court to exercise its discretion pursuant to Penal Code section 186.22, subdivision (g). If the court strikes the count 2 enhancement, it is to specify on the record and in the clerk's minutes why the interests of justice would best be served by such an order. The judgment is affirmed in all other respects.

Turner, P.J.

We concur: Grignon, J.
Armstrong, J.

DIVISION FIVE (Continued)

B126456 Ilse Reed (Not for Publication)
v.
PacifiCare of California et al.

The judgment of dismissal is reversed. Each side is to bear its own costs on appeal.

Turner, P.J.

We concur: Armstrong, J.
 Willhite, J. (Assigned)

B145759 Daniel Yohannes (Not for Publication)
v.
Department of Water and Power, City of Los Angeles

The judgment is affirmed. Each side is to bear its own costs on appeal.

Willhite, J. (Assigned)

We concur: Turner, P.J.
 Armstrong, J.

DIVISION FIVE (Continued)

B142738 People (Not for Publication)
v.
Lamont Anthony Brock

The judgment is modified to impose penalty assessments of \$50 pursuant to Penal Code section 1464 and \$35 as required by Government Code section 76000 on the Health and Safety Code section 11372.5, subdivision (a) laboratory fee. Also, the judgment must be modified to reflect that the restitution fine was pursuant to Penal Code section 1202.4, subdivision (b)(1) and to impose and stay an additional parole restitution fine of \$200 as required by Penal Code section 1202.45. The clerk of the superior court is directed to prepare and deliver to the Department of Corrections an amended abstract of judgment which accurately reflects the foregoing fines and assessment as well as the laboratory fee imposed pursuant to Health and Safety Code section 11372.5, subdivision (a). The judgment is affirmed in all other respects.

Turner, P.J.

We concur: Grignon, J.
Armstrong, J.

B151405 People (Not for Publication)
v.
Robert Hernandez

The appeal is dismissed.

Turner, P.J.

We concur: Grignon, J.
Willhite, J. (Assigned)

DIVISION FIVE (Continued)

B143530 Newcourt Leasing Corporation (Not for Publication)
 v.
 Sultan Haddad

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Grignon, J.

B144809 Sung Hoon Yoon (Not for Publication)
 v.
 Jun Suh

The judgment is affirmed. Respondent(s) to recover costs.

Willhite, J. (Assigned)

We concur: Turner, P.J.
 Grignon, J.

B147526 Ira Paul (Not for Publication)
 v.
 California Architect's Board

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Willhite, J. (Assigned)

DIVISION FIVE (Continued)

B145790 Beacon Investment Company (Not for Publication)
v.
Mirchu "Mike" Khemlani et al.

The judgment is affirmed. Plaintiff is to bear defendants' costs on appeal.

Grignon, J.

We concur: Turner, P.J.
 Armstrong, J.

B147417 People (Not for Publication)
v.
Humberto Barajas Vargas

The judgment is affirmed.

Grignon, J.

We concur: Turner, P.J.
 Armstrong, J.

B147375 People (Not for Publication)
v.
Kenneth Leavy

The judgment is modified to delete the \$100 state penalty assessment imposed pursuant to Penal Code section 1464 and the \$70 county penalty assessment imposed pursuant to Government Code section 7600. As modified, the judgment is affirmed.

Grignon, J.

We concur: Turner, P.J.
 Armstrong, J.

DIVISION FIVE (Continued)

B148701 General Revenue Corporation (Not for Publication)

v.

Trustees of the California State University

The judgment is affirmed. Respondent(s) to recover costs.

Grignon, Acting P.J.

We concur: Armstrong, J.
 Willhite, J. (Assigned)

B151084 Mark Y. (Not for Publication)

v.

Superior Court, Los Angeles County
(D.C.F.S., r.p.i.)

The petition is denied.

Grignon, Acting P.J.

We concur: Armstrong, J.
 Willhite, J. (Assigned)

B148663 Ralph Holland (Not for Publication)

v.

Workers Compensation Appeals Board
Reliance Steel & Aluminum et al., Respondent

The judgment is affirmed.

Grignon, J.

We concur: Turner, P.J.
 Armstrong, J.

DIVISION FIVE (Continued)

B151878 Darren Pendleton (Not for Publication)

v.
Superior Court, Los Angeles County

The petition is denied.

Grignon, Acting P.J.

We concur: Armstrong, J.
 Willhite, J. (Assigned)

B140335 People
v.
Anthony Roy Shivers

Filed order denying petition for rehearing. Presiding Justice Paul Turner would grant.

DIVISION SIX

B149224 People (Not for Publication)

v.
Gulley

We stay the two-year sentence on count 2 for grand theft, modify the judgment (section 1260), and affirm the judgment as modified. The trial court is directed to send an amended abstract of judgment to the Department of Corrections reflecting that the two-year sentence for grand theft (count 2; section 487, subd. (a)) is stayed pursuant to section 654 and that the total term imposed is four years. In all other respects, the judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
 Coffee, J.

DIVISION SIX (Continued)

B148978 People (Not for Publication)
v.
Cruz

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
Perren, J.

DIVISION SEVEN

B143893 People (Not for Publication)
v.
Turner

The judgment is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.